

ORDINANCE NO. O2015-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, approving and authorizing the Mayor to execute a Development Agreement with Puget Western, Inc.

WHEREAS, at RCW 36.70B.170, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction or for real property outside its boundaries as part of a proposed annexation; and

WHEREAS, Puget Western, Inc. ("PWI") owns approximately 67.52 acres of real property located south of 93rd Avenue SW between Lathrop Industrial Drive SW and Blomberg Street SW, with an address of 3111 – 93rd Avenue SW (the "Property"), which was annexed into the City on June 1, 2015; and

WHEREAS, City staff and PWI negotiated a development agreement for the Property (the "Development Agreement"), a hard copy of which is attached hereto as Exhibit "A"; and

WHEREAS, pursuant to RCW 36.70B.200, on June 2, 2015, the City Council held a public hearing, as required by law, on the Development Agreement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Approval and Authorization. After reviewing the Development Agreement and considering all of the testimony and information presented at the public hearing, the City Council finds that that the Development Agreement is consistent with the criteria set forth in RCW 36.70B.170 and approves the Development Agreement. The Mayor is authorized to execute the Development Agreement with PWI.

Section 2. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of the ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

ADOPTED this 2nd day of June, 2015.

CITY OF TUMWATER

Pete Kmet

Pete Kmet, Mayor

ATTEST:

Melody Valiant
Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick
Karen Kirkpatrick, City Attorney

Published: 06-04-2015

Effective Date: 06-09-2015